

HOW·NI·KAN

PEOPLE OF THE FIRE



Vol. 9, No. 3

Citizen Band Potawatomi Tribe

March, 1987

Register now to vote in tribal referendum

The deadline is nearing to request a ballot from the BIA to vote in the Secretarial election on adoption of a tribal charter and constitutional amendment.

According to Ed Herndon, BIA Election Board Chairman, registration forms must be returned to the Bureau by April 1, 1987. All eligible tribal members should have received correspondence on the referendum by now. The Bureau has, however, had many election notices returned undeliverable due to unrecorded address changes. If you have not received information from the Bureau, contact them immediately at Route 5 Box 148, Shawnee, Oklahoma 74801 or call (405) 273-0317.

April 22, 1987 is the election date. All ballots must be received

by then. Ballots from registered voters may be hand-carried to the BIA on that date; all mail ballots must be received by noon. Only adult tribal members who register to vote in this election will be permitted to cast ballots on the ratification or rejection of the proposed corporate charter and constitutional amendment.

No registration forms will be accepted by the Bureau after April 1, 1987. Please register to vote on these very important issues.

The annual tribal election for Business Committee representatives will be held as usual in June. The tribal election ordinance published in this issue of the HowNiKan is applicable to the June election - not the referendum election being conducted by the BIA at this time.



In search of family

Tribal member Dan LaClair submitted this photo to the *HowNiKan* in hopes of identifying the people pictured. The little boy in the front row is Oscar LaClair and the photo is

thought to be circa 1888. If you recognize anyone in the picture please contact Dan at 1300 N. Pate St., #160 F, Carlsbad, New Mexico 88220.

State Tax Commission restrained from entering Potawatomi land

A federal judge has restrained the Oklahoma Tax Commission from entering Potawatomi land or attempting to collect nearly \$2.7 million the Commission claims the tribe owes the state in back taxes.

U.S. District Judge Lee R. West granted a request for a preliminary injunction on March 10, after the Tax Commission sought to collect taxes and penalties on cigarettes sold at the Potawatomi Tribal Store, first from Tribal Chairman John Barrett personally and then from the tribe.

In his order, Judge West noted

that the store is located on tribal trust land, was built with federal funds and is owned and operated by the Citizen Band Potawatomi Tribe "in an effort to become self-sufficient." West also pointed out that "cigarette packages sold by (the tribe) were affixed with the (tribe's) own tax stamp" and the "sale and taxing of these cigarettes were done pursuant to tribal ordinances which were approved by the federal government and published in the Federal Register."

The Tax Commission had argued in a previous hearing that the state's grave financial

problems would be further aggravated by a delay in collecting "validly imposed taxes" on the tribe. The Court, however, found that "the threatened injury (to the tribe) outweighs whatever damage the proposed injunction may cause to (the state)."

Judge West also refused to grant the Commission's request that the tribe be ordered to post a bond pending resolution of the case. Noting that his intent was to preserve the status quo, West maintained that issuing the preliminary injunction "should not unduly interfere with the state's internal economy and

administration" and that questions raised by the litigation "demand more deliberate investigation" and an inquiry in an "atmosphere unclouded by threat of economic deprivation (to the tribe)."

The Sac and Fox Tribe, acting on behalf of a businessman operating on tribal land with a tribal license, also received a restraining order against the Tax Commission after petitioning the Sac and Fox Tribal Court.



From the Chairman

Fellow Tribal Members,

The average age of our tribal membership is now over 41-years old. Within the next 10 years we will start to lose more members than we can enroll. Unless we change our system of tribal enrollment we will no longer exist as an organized tribe in 60 or 70 years. Think of it, the 20 or so families that make up the Citizen Band Potawatomi, all 12,000 of us, will no longer be an organized, recognized tribe. We have been a tribe for hundreds of years, organized as the Citizen Band Potawatomi for over 50 years, and now we face a decline that will end with no tribe left.

At every Council we have held, there has been favorable opinion towards changing the enrollment to "descendancy." What that means is that your children can enroll if you are on the rolls or eligible to be on the rolls. Many other large tribes have this kind of enrollment - the Cherokee, for one. The only problems with this type of enrollment is the impact it would have on delivery of tribal services

- scholarships and prosthetics. Since these programs are funded by interest money set aside from each individual's previous payments, and the demand for the funds is nearly exceeding the amounts available, the answer is apparent. The people on the present roll should have first priority for services over those enrolled under any change in enrollment criteria. Look for this to come up for a referendum vote.

The history of this tribe has been one of hard times. Our oldest grandfathers and grandmothers went through terrible times coming to Oklahoma. Their parents and grandparents had it as hard traveling to Kansas and Council Bluffs. Most of our older generation went through the Great Depression and had to leave their homes to find work. Many were displaced by World War II. These people by and large, had a deep and abiding faith in the value of work, the home, their schools and their cities because they had built them. They came from so little to so much. They saw the price one had to pay to get out of the crushing poverty and want of hard times.

But something happened to the American society, especially those of us in our thirties and forties. Having been spared the worst of the struggles to survive, and not having seen things when they were really bad, we began to believe that the current standard of living was a right and the institutions created by the older generation were remiss in not providing that standard. People coming into adulthood in the Sixties and Seventies began to turn from the values of their elders. Our tribe has felt the effects of this change as well.

Part of the change is a new scepticism, even cynicism, about all institutions. This is the backlash of Vietnam, Watergate and scandals across the country involving elected officials. The belief that "power corrupts" and that everyone is trying to "make a deal," is a symptom of our scepticism. But two things remain true and constant - the tribe must survive and the tribe must have leadership. With the feelings that most people have about politicians, Indian or otherwise, how does the tribe attract the kind of leadership it must have to survive? Who wants to hold a position as a leader where you are not sure half the time if the people are following you or chasing you? The answer has to be that my generation, and the oldest generation, and the youngest generation, all three, have to take the tribe personally.

This is about family. This tribe is your kids, your Aunt Mabel, your cousin Fred, your father,

your grandparents - your relatives. You are a part of the history of your tribe, this tribe, the Potawatomi. It is not some distant insensitive institution; it is you and your people.

Unless this tribe is headed towards a course of action that will benefit you and yours, it is not doing its job, and its leaders are not doing their jobs. "Job One" is that this tribe survives, its history, art, language and customs preserved. "Job Two" is the care of our old people and the education of our young. Way behind these two priorities comes a tribal job for cousin Toby or sister Ruth. If we could view the tribe as a bank in which we deposit duty, work and trust, and in turn withdraw education and a better life when we get old, it would make more sense.

In the past, most of our factionalism has been about one guy thinking the other guy was getting something he wasn't. Most of our griping comes from people who used to work at the tribal complex or held office before. In the first case they were not doing the job the way their supervisors thought they should or they would still be there. In the second case, the tribe voted them out so their problem should be with the voters, not the current elected officials. Do they resent the elected officials because they think of the tribe as some kind of authority over them? Or as an institution to which they are not related? Have they invested any time or duty in this tribe that benefitted old people or educated the young?

If any of you are thinking about involving yourselves with the tribe, of investing your talent in making things better for your people, don't let some little bit of nonsense like anonymous letters hold you back. Ninety-nine and nine-tenths of our people want what is best for the tribe. More and more of them are starting to vote and participate in Councils. The only time you hear from the strange ones is just before election time.

When I first came back to work with the tribe, the Indirect Cost Account to pay employees was overdrawn by over \$100,000. Just prior to the election of the present Business Committee, this account only had about 120 days left to pay tribal employees before it would have been out of money. The only choice was to work less people. The job had to be done with one-third less employees. As a result, a number of people were discharged. Some tribal members were laid off and more productive people hired. The criteria used for hiring was expertise, experience and

education. We cannot afford the luxury of political patronage jobs. This hasn't made me popular with those who lost their jobs, but it has with those who care how their money is spent.

Be sure and register with the BIA and vote in the current referendum. Please remember that the regular tribal election and issue votes are coming up in May. Please don't confuse the two separate elections. Both are vitally important.

HOW-NI-KAN PEOPLE OF THE FIRE

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Change of address, submissions and subscriptions should be mailed to Route 5, Box 151, Shawnee, Oklahoma 74801.

Citizen Band Potawatomi Business Committee

Chairman — John "Rocky" Barrett
Vice Chairman — Doyle Owens
Secretary-Treasurer — Kenneth Peltier Sr.
Committeeman — Dr. Francis Levier
Committeeman — Bob F. Davis

HowNiKan Editor
Patricia Sulcer

Tribal artists to be featured

The Boulder Native American Art Show featuring Kansas artists will feature two Potawatomi tribal members. The work of painter Woody Crumbo and

sculptor Denny Haskew will be on exhibit May 8 - 10, at the Native American Rights Fund headquarters, 1506 Broadway, Boulder Colorado.

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HowNiKan

Route 5, Box 151
Shawnee, Oklahoma 74801

For The Record

Business Committee Meeting - Feb. 9, 1987

Present: John Barrett, Kenneth Peltier, Bob Davis, Francis Levier, Tax Commission Director Ed Wilson, Assistant Administrator Pat Sulcer, Economic Development Consultant Bob Shapiro, Tribal Attorneys Michael Minnis and David McCullough. Doyle Owens absent.

Chairman John Barrett called the meeting to order at 9 p.m.

Discussion was held on the recent Oklahoma Tax Commission levy against Chairman Barrett. Business Committee went into executive session to discuss the impending litigation.

Upon reconvening, Francis Levier moved to approve Potawatomi Resolution #87-53, authorizing Michael Minnis to represent the tribe, its elected officials, employees and agents in any tribally related litigation arising from the Oklahoma Tax Commission. Bob Davis seconded; motion passed 4-0, Doyle Owens absent.

Pursuant to Resolution #87-53, Kenneth Peltier moved to authorize Michael Minnis to assist John Barrett in preparing a response to the Oklahoma Tax Commission's levy of \$2.6 million against John Barrett personally. Barrett has never done business as the Tribal Store and does not profit from the Tribal Store's cigarette sales. Bob Davis seconded; motion passed 4-0, Owen's absent.

Bob Davis moved to hold the scheduled Tribal Store construction in abeyance until the state Tax Commission issue is cleared up. Francis Levier seconded; passed 4-0.

Francis Levier will be sending a letter to the Sac and Fox Tribe requesting an appraisal on the CTSA building.

Discussion was held on the need for additional personnel in the accounting department. Francis Levier will present a cost projection at the next meeting.

Francis Levier moved to place the tribe's \$283.71 share of IIM funds into an annuity. Bob Davis seconded; passed 4-0.

Bob Shapiro gave a report on various economic development projects being investigated by his department.

Meeting adjourned at 10:15 p.m.

Business Committee Meeting - Feb. 24, 1987

Present: John Barrett, Doyle Owens, Kenneth Peltier, Bob Davis, Francis Levier, Bob Shapiro, Ed Wilson, Pat Sulcer.

Chairman Barrett called the meeting to order at 6:35 p.m.

Francis Levier moved to approve the Feb. 9, 1987 minutes after correcting a resolution number. Bob Davis seconded; passed 5-0.

Francis Levier moved to approve the waiver of signature for IIM monies for a tribal member, aged 91, upon presentation of proof that her children or someone else holds power of attorney for her. Bob Davis seconded; passed 5-0.

Francis Levier moved to authorize the BIA to complete authorized work and release payment funds for the tribe's Housing Improvement (HIP) Program; and authorizing the BIA to administer the program from here on. Doyle Owens seconded; motion passed 5-0.

Francis Levier will be submitting various proposals to the Business Committee for consideration of next year's Consolidated Block Grant Program.

It was announced that tribal member Earl Lawson has retired from the Prosthetics Foundation. Several replacement candidates were nominated and will be contacted by Dr. Levier.

Tribal attorney Michael Minnis will be drafting a resolution for the Business Committee's perusal authorizing tribal defense of employees, elected officials and appointees in litigation stemming from circumstances of their tribal employment or election.

Business Committee went into Executive Session at 8:30 p.m.

Meeting adjourned at 8:40 p.m.

Page 2 of the same issue:
Proposed constitutional admendment. It clearly states that only one committee member or office will be voted on each year by the Tribal Vote. Let us take a good hard look at this situation. It will be a 5 year revolving plan like "spokes in a wheel", before this office will be up for re-election, so therefore, it will be almost impossible to change the present administration of our TRIBAL GOVERNMENT. Some members may want this but I DON'T. If, by chance this amendment passes, there is only

one solution that I can think of, "I am going to sharpen my arrow heads and tomahawks."

I stand on my rights as a FREE MAN to express my opinion and let it be known.

As our present Constitutional stands, there will be 2 committee members plus the Chairman up for re-election this year, for a 2 year term. If the Tribe votes them back into office, fine, BUT NOT FOR LIFE, as the PROPOSED ADMENDMENT would allow. It only takes 2 votes by the business committee to oust or impeach any member. Mr. Chairman has the power to appoint anyone of his choice.

LET US MAINTAIN OUR FREEDOM
Sincerely,
Roy T. Smith
Wilburton, OK.

Editor's Note: (1) Interest monies on past claim settlements against the United States Government have been set aside by vote of General Council to fund scholarships and prosthetic devices for tribal members. Interest funds are drawn down from interest-bearing accounts when all paperwork has been completed on applications for assistance. There have already been 87 tribal members approved for educational assistance so far this year.

(2) The Chairman and Business Committee members did not receive the \$20 Christmas "bonus," nor did any appointed

officials.

(3) CTGP stands for Consolidated Tribal Government Program. This fund was reimbursed with budget monies approved for maintenance and renovations by the General Council.

(4) All Business Committee members unable to attend a scheduled meeting are contacted by phone of the business at hand. This is to avoid charges of "secretiveness" where tribal business is concerned. The resolution you refer to dealt with General Council appropriations and the Committee felt a vote of the entire Business Committee was necessary for approval.

(5) The Constitution has been handed out at Councils and was printed in the HowNiKan. Your allegations concerning impeachment proceedings and "life" terms of office are total misrepresentations.

Dear Chairman Barrett,
The unsigned letter (from Potawatomi of Oklahoma for Better Tribal Government) arrived, urging a vote against the proposed amendment and charter. I was incensed and felt compelled to write.

We have attended the June pow wow since the meetings were held at St. Gregory's College. Such improvement in the grounds, programs, museum and general tribal business! I needed to tell you my feelings.

We will continue to attend the June meetings as long as my 89-year old mother is able. She loves it.

We have, however, thoroughly enjoyed the Regional Council in Denver, and my sister attends the one in Seattle. These have much value in my estimation.

Against a lot of obstacles, the present officers have conducted tribal business with dignity and professionalism. I wish to say thanks!

Sincerely,
L. Haskew
Colorado

In Your Opinion

To: Editor Pat Sulcer
How-Ni-Kan Newspaper

This is my second letter to be published in the How-Ni-Kan newspaper.

Dear Tribal Members:

One of the greatest statesmen of our times was a Cherokee Indian, named WILL ROGERS, who once said "All I KNOW IS WHAT I READ IN THE PAPERS", if I may use his quotation. In the January edition of the How-Ni-Kan, page 12, business committee of December 22, 1986 appeared as follows:

Resolution #87-38 \$20,000.00 drawn an interest on scholarship fund. QUESTION: Where did the monies go? And what for? "No explanation?"

Resolution #87-42 \$20.00 Savings Bond for all Tribal Employees, a total of 75. I

ASSUME that the business committee and the chairman were included within the tribal employees of 75. There is nothing to contradict my assumption.

Resolution #87-45 Reimburse C.T.G.P. \$4,796.24 for carpet in the Long Room. Also, 2 members of the committee voted by phone. Who or What is C.T.G.P.? And why 2 absentee members have the right to vote by phone and only on this resolution?

Back to Resolution #87-42, I am very confident that there are 75 tribal members who are disabled, elderly ladies and gentlemen, single mothers, people living on a fixed income below poverty level, just to name a few, who could have used a \$20.00 gift last Christmas to a very, very good advantage.

"WHY ONLY A CHOSEN FEW?"

The ballots for the
Secretarial Election
on the Charter &
Constitutional
Amendment are in the
mail

Please Vote!

The 1987 Election Ordinance

The June election for tribal officials will be conducted by the Tribal Election Committee under the following guidelines.

BE IT ENACTED BY THE CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA

ARTICLE I, CITATION AND PURPOSE

S1-101: Citation

This enactment may be cited as the 1987 Election Ordinance of the Citizen Band Potawatomi Indian Tribe of Oklahoma.

S1-102: Purpose

The purpose of this ordinance is to repeal the Citizen Band Potawatomi Indian Tribe of Oklahoma Election Ordinance of 1983 and to establish the rules and procedures for conducting elections authorized in Art. 12, S1 of the Tribal Constitution.

ARTICLE II, WORDS AND PHRASES

S1-101: Definitions

The following definitions shall control the meanings of the following terms:

a. "Tribal Court" shall mean the Potawatomi Tribal Court sitting at the Potawatomi Tribal Complex in Shawnee, Ok.

b. "General Council Resolution" shall mean the official document, and its adoption, by the Business Committee by which the General Council acts on behalf of its membership under the authority reserved to it by the Tribal Constitution.

c. "Tribe" and all derivatives thereof (e.g. "tribal") shall mean the Citizen Band Potawatomi Indian Tribe of Oklahoma.

S2-102: Time Periods

Unless otherwise provided herein, all of the time periods established herein for filing, challenges, contests, or appeals are jurisdictional and cannot be waived.

ARTICLE III, ELECTION COMMITTEE

S3-101: Creation

An Election Committee is hereby created and established having the duties and powers hereinafter set forth. The Election Committee shall conduct all elections and referendum votes in accordance with the Tribal Constitution, Tribal By-Laws, and with this ordinance.

S3-102: Composition

The Election Committee shall consist of five persons: a Chairman, Vice-Chairman, Secretary, Assistant Secretary, and a Marshal.

S3-103: Appointment

The Business Committee shall appoint the members of the Election Committee and designate the Chairman of the Committee:

a. Not later than 90 days prior to an election.
b. By resolution in substantially as set forth in Appendix Form, 1. (Resolution formant)

c. If a vacancy occurs on the Election Committee, the Business Committee shall fill the vacancy within five (5) days.

S3-104: Oath

Prior to entering into the duties of office, each Election Committee member shall take the following oath of office to be administered by a member of the Business Committee or a Tribal Court Judge:

I... do hereby solemnly swear, or affirm, that I will support, protect, and defend the Constitution and laws of the Citizen Band Potawatomi Indian Tribe of Oklahoma, and will cause the elections of the Citizen Band Potawatomi Indian Tribe of Oklahoma to be conducted fairly, impartially, and in accordance with the laws of the Citizen Band Potawatomi Indian tribe of Oklahoma, so help me God.

S3-105: Officer Selection

The Business Committee shall select from among the Election Committee members, a Chairman. A Vice-Chairman, Secretary, Assistant Secretary, and a Marshal shall be selected by the Election Committee, who shall certify in writing to the Business Committee the names of the persons so selected.

S3-106: Sub-Appointments

The Election Committee may appoint such observers, clerks, counters, marshals, and alternates, as necessary to conduct the election and shall certify such appointments in writing to the Business Committee.

S3-107: Filing Certifications

Copies of all certified appointments and sub-appointments shall be filed in the tribal Secretary's office and be open for public inspection.

S3-108: Eligibility

No person may be appointed to the Election Committee unless eligible and qualified.

a. A person is eligible if:

1. A member of the Tribe
2. 21 years of age or older.

b. A person is not qualified for appointment if:

1. Under any court-ordered guardianship due to mental incapac-

ty,

2. The natural or adopted brother, sister, parent, child, or spouse to a current candidate,

3. A current candidate for election to any tribal office to be decided by that election,

4. Ever convicted of a felony,

5. Ever convicted of a non-felonious crime involving the election laws of the Tribe, or

6. Ever found civilly or criminally liable for breaching a fiduciary or contractual duty to the Tribe.

S3-109: Term

Each Election Committee member shall serve from appointment until the election results for all election offices have been certified.

S3-110: Compensation

Members of the Election Committee are to receive only such compensation, traveling expenses, or stipend, as may be authorized by the Business Committee.

S3-111: Records

The Election Committee shall maintain complete and accurate minutes of meetings and retain all documents pertaining to an election. These records shall be filed in the Tribal Secretary's office within 48 hours after each meeting and shall be open for public inspection

during normal office hours at the Potawatomi Complex.

S3-112: Duties

Each Election Committee member has the duty to become thoroughly familiar with this ordinance and the Tribal Constitution and By-Laws, to see that these laws are rigorously followed, and to immediately document and report any violations to the marshal or other law enforcement personnel. In addition:

a. Chairman: The Chairman shall be the presiding member and responsible for the overall activities of the Election Committee, including safekeeping of the ballots and ballot box(s).

b. Vice-Chairman: The Vice-Chairman shall assist the Chairman, preside in his absence and assist in the conduct of the election.

c. Secretary: The Secretary shall record and maintain accurate minutes of meetings and records pertaining to an election. The Secretary shall verify the authenticity of these records and be responsible for providing all Election Committee certifications except where otherwise provided herein after each election committee meeting. All records shall be filed with the Secretary-Treasurer of the Tribe within 2 working days after each meeting.

d. Assistant Secretary: The Assistant Secretary shall assist the Secretary and serve in the Secretary's absence, and assist in the conduct of the elections.

e. Clerks: The Clerks shall assist in the conduct of the elections, and shall check off the voters on the list of qualified voters. Each clerk shall keep a separate record of the members voting which shall be cross-checked frequently by the Chairman or his designate, to insure accuracy.

f. Marshal: The Marshal shall maintain order at the polls, and enforce the election laws. The Marshal shall have these powers from the time the polls open until the declaration of all election results are final.

S3-113: Procedure

The Election Committee acts only by majority vote of a quorum at a properly called and noticed meeting.

a. Quorum. A quorum of the Election Committee shall consist of any three members.

b. Meeting. Meetings may be called at any time by the Chairman, or by request of a majority of the Election Committee and shall notify the Sec./Treas. of the Tribe 2 working days prior to the meeting. In the event the Chairman fails to call a meeting as requested, the other members of the Election Committee who request a meeting may convene one upon prior registered mail notification to all members of the Election Committee and Sec./Treas. of the Tribe. The Secretary-Treasurer of the tribe shall receive prior notice of all meetings.

c. Where. All meetings shall be at the tribal office unless notice of the place and time of the meeting is conspicuously posted in the tribal office at least 48 hours prior to the meeting.

S3-114: Rules

The Election Committee shall have the authority to recommend

such rules, not inconsistent with this Ordinance, as may be necessary and proper for the conduct of tribal elections. Such rules shall be approved by the Business Committee. Copies should also be posted in prominent places in the tribal offices and such other places as the Election Committee may deem advisable. A copy of the rules should be promptly delivered to the tribal newsletter for publication.

ARTICLE IV, GENERAL ADMINISTRATION

S4-101: Election Days

All tribal elections and referendum votes, unless otherwise specifically provided by law, shall be held on a Saturday. Regular elections of members of the Business Committee and Grievance Committee shall be held on the last Saturday in June of each election year. All

other required tribal elections or referendum votes shall be held upon call of the Business Committee or the Election Committee as provided by the tribal Constitution and By-Laws.

S4-102: Forms

The forms contained in the Appendix of Forms are sufficient under this ordinance and are intended to indicate the simplicity and brevity of statement which this ordinance contemplates. Except as provided herein, all forms needed for tribal elections and referendum votes shall be prescribed and provided by the Election Committee. The Tribe shall be responsible for the cost of producing all forms.

S4-103: Instructions to Voters

Instructions to voters describing the manner of casting one's vote shall be posted at the polling place and issued upon request to all eligible voters with a ballot.

S4-104: Public Information

The Election Committee shall widely disseminate to the tribe information about the dates and times of election, locations of polling places and other election-related data. The Election committee is authorized to publish in the tribal newsletter and in other newsprint media names of candidates, election dates, polling places, election results, and other information as necessary to discharge its duties.

S4-105: Polling Place

Polling places shall be designated for each election on the tribal grounds, and for an absentee ballot mailing address.

S4-106: Ballot box

Locked empty ballot box(s) shall be provided and shown at the polling places prior to voting. Each ballot box shall be constructed of substantial material and shall be equipped with a lock so that the keys of one lock will not unlock others. Each box shall be equipped with a slot or opening in the top through which a ballot may be inserted, but so the box must be unlocked before the ballots can be removed.

S4-107: Access to Ballots

The Election Committee Chairman and Secretary shall retain ballot box keys in their custody until all election results are finally certified. Only those authorized by this ordinance shall have access to the ballot boxes at specific times designated by the Election Committee.

S4-108: Voting Booths

At least two voting booths shall be provided at the polling place. The booths shall be constructed with a counter shelf so that:

- No more than one person is in the booth, and
- Voters can mark their ballots in secrecy.

S4-109: Poll Watchers

Each candidate may designate in writing one person, not a candidate, to watch the activities at the polls. Such designation must be presented to Election Committee Officials one week prior to the election. Poll Watchers may not interfere in any way with the conduct of the election, but may observe only. Any poll watcher interfering with the election or attempting to electioneer in any way may be ejected from the poll area by a marshal or law enforcement officer.

S4-110: Electioneering and Loitering

No person shall be allowed to electioneer inside or within 100 feet of the polling place where and when the election is in progress. Neither will any loitering be permitted in the polling places during voting hours. Election officials at the polling place have the duty to obtain such assistance as may be required to maintain order about the building during the progress of the election.

S4-111: Voter conduct

No intoxicated person will be permitted in the polling place. No person will be permitted to conduct himself in such a manner which may interfere with the election progress. No person shall engage in any activity which serves as a detriment to the election progress or which inhibits the rights of another to vote.

ARTICLE V, Chapter One, Eligible Voters

S5-101: Eligibility

Every tribal member 18 years of age and older in accordance with Art. 5 Sect. 1 of the Tribal Constitution shall be eligible and entitled to vote in all tribal elections.

S5-102: Voter Lists

The tribal Secretary shall have the duty to compile from the tribal membership rolls a voter list of all persons who will be eligible voters on the date scheduled for the election and shall certify the voter list and:

- Present a certified copy to the Election Committee no later than sixty (60) days prior to the election (if possible).
- Maintain at least one certified copy in the tribal office for public inspection during regular business hours no later than sixty (60) days prior to the election.
- Maintain at least one certified copy at each polling place on election day to check the eligibility of those presenting themselves to vote.

Chapter Two, Challenges

S5-201: Who May Challenge

Any person may challenge the eligibility of anyone whose name appears on the voter list, or may apply to have his name added to the voter list.

S5-202: How to challenge

A voter list challenge is initiated by filing a written petition with the Election Committee. No special form of petition shall be required although the petition shall:

- Clearly indicate the substance of the challenge,
- Specify the name, or names challenged,
- Set forth the relief requested,
 - To add a name, or
 - To delete a name, and
- Include supporting evidence.

S5-203: Time for Challenge

A challenge must be initiated no later than ten (10) days after the Tribal Secretary deposits the certified voter list in the tribal office.

S5-204: Decision

The Election committee should render a decision on a challenge within ten (10) days of filing. Failure to timely act will be considered a denial of the challenge.

S5-205: Appeal

Any party aggrieved by the action or inaction of the Election Committee may thereafter appeal to Tribal Court.

S5-206: Appeal Time

An appeal must be filed within two (2) days of the de facto or de jure decision by the Election Committee.

S5-207: Appeal Parties

The individual members of the Election Committee and Business Committee shall not be named as defendants in an appeal. The tribal attorney shall represent the Election Committee and/or Business Committee and the court shall expedite such cases so as to reach a final decision prior to election day. No election shall be postponed because of a pending voter list challenge.

ARTICLE VI, CANDIDATES

Chapter One-Filing for Office

S6-101: Eligibility to file

In order to file for any office, a candidate must be eligible and qualified:

- A person is eligible if:

- Twenty-one (21) years of age or older,
- A member of the Tribe, and
- Physically residing within Pottawatomie, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland and Okfuskee counties of Oklahoma.

- A person is not qualified if:

- Ever convicted of a felony,
- Ever found civilly or criminally liable for a breach of fiduciary duty to the Tribe, or
- Ever impeached or recalled by the Tribe.

S6-102: Ballot Eligibility

To be eligible to seek election and be placed on the ballot, a person must timely file for that office.

S6-103: Filed Candidate

To be a filed candidate, one must:

- Be eligible to file.
- Timely file a declaration of candidacy with:
 - The Tribal Secretary-Treasurer or his designate, and
 - The Election Committee or their designate.
- Timely pay a filing fee of one-hundred and fifty dollars (\$150.00) upon filing by cashier's check, which is refundable if the candidate is declared ineligible or withdraws.

S6-104: Filing Period

A candidate must file during regular business hours 8 a.m. to 5 p.m. no earlier than sixty (60) and no later than thirty (30) days prior to the date of the election.

S6-105: Form of Declaration

Although no particular form is required, the declaration of candidacy must be by affidavit and contain sufficient information for the Election Committee to determine that the candidate is eligible to file, is seeking a particular office, and has complied with this ordinance. The declaration should be substantially as shown in Appendix Form 2.

S6-106: Nicknames

Each candidate may specify one (1) nickname to be placed on the ballot alongside the candidate's true name. No nicknames may be used if identical or substantially similar to the name or nickname of another candidate. Should a dispute over the use of a name arise, the Election Committee's decision shall be final and unappealable. To specify a nickname, a candidate must affirm in the declaration of candidacy that:

- The candidate is known by the nickname, and
- The nickname is not being used for any other purpose than to accurately identify the candidate.

S6-107: Acceptance

The Election Committee shall accept any filing by a person which, on its face, appears valid, that is, shows the candidate filing is eligible, qualified and has timely filed, and tendered the filing fee. Acceptance shall entitle the candidate to have his name appear on the ballot unless the candidate withdraws as hereinafter set forth or unless a contest to his candidacy is sustained in the manner hereinafter described.

S6-108: Certification of Slate

As soon as practicable after the filing period closes, the Election Committee shall file a written certification of the slate of candidates for the election with the Tribal Secretary.

The certification shall also indicate all filings not accepted and the reasons for non-acceptance.

Ordinance *From Page 5*

S6-109: Use of Tribal Newspaper

After filing closes, the tribal newspaper will provide an equal amount of free space in the next edition for all candidates appearing on the certified slate. The purpose of allowing the free space is to allow the candidates to identify themselves to the voters. All other space in the tribal newspaper shall be available to candidates on a fee basis established by the Business Committee to reflect publication and distribution cost only.

HowNiKan Editor shall have final approval on contents of free and paid advertisements and shall review their contents for libel, slander, and inaccuracy of facts with the tribal attorney. Deadlines for receiving advertisement copy are set by editor and published in the newspaper.

S6-110: Filing for More Than One Office Prohibited

No person shall be a candidate for more than one office during any one election, nor may a tribal office holder seek another office except when the office holder's term expires contemporaneously with the election. Each candidate must specify which office is being sought; Chairman, Vice-Chairman, Secretary-Treasurer, Councilman 1 or Councilman 2.

Chapter Two-Withdrawals

S6-201: Withdrawals

Any candidate for office may withdraw a declaration of candidacy by filing a written notice of withdrawal with the Election Committee at any time not less than thirty (30) days prior to the election. The withdrawal notice shall contain the candidate's name, the office sought, and shall be notarized or sworn to before a person authorized to administer oaths. A timely withdrawal is final.

S6-202: Procedure on Withdrawal

If a candidate withdraws, the Election Committee shall post notices to that effect at all polling places and within the voting booths, and may line through or otherwise obliterate the candidate's name from the ballots. Any votes cast for a withdrawn candidate shall be rejected.

Chapter Three - Challenges

S6-301: Kinds

The certified slate may be challenged either because a candidacy was allegedly wrongfully certified or because a person's attempted filing was allegedly wrongfully rejected.

S6-302: Who May Challenge

Any candidate may challenge the eligibility of any other candidate for the same office. If only one candidate has filed for an office, any person on the voter list may challenge the eligibility of that candidate. Only the person whose filing is not accepted may challenge the non-acceptance.

S6-303: How to Challenge

A challenge must be initiated by filing a written petition with the Election Committee. Each petition shall state with particularity the reasons for the challenge.

S6-304: Time to File

A challenge must be filed within three (3) business days of the filing of the certification of slate.

S6-305: Hearing

Upon receiving a candidacy challenge, the Election Committee shall immediately deliver copies to the challenged candidate and all other candidates for that office. A hearing on the challenge must be held within five (5) days of receipt of challenge. The Election Committee must render a decision on the challenge within 72 hours of commencing a hearing. No formal pleadings are required. The Election Committee may subpoena witnesses and take testimony under oath. The challenger has the burden of proof.

Chapter Four - Appeal

S6-401: Appeal

Any proper party to a candidacy challenge aggrieved by the Election Committee decision may appeal to the Tribal Court.

S6-402: Appeal Time

An appeal must be filed with the Tribal court on or before the expiration of two (2) business days following announcement of the Election Committee decision.

S6-403: Relief

The appellant shall have the burden of proof. The Tribal Court shall either:

- Affirm the Election Committee decision.
- Reverse the Election Committee decision, and, depending upon which is appropriate, add or strike a candidate's name from the slate certification.

S6-404: Time for decision

The Tribal Court has 10 days to act on the appeal preceding election day. Failure of the Tribal Court to render a decision within 20 days is an affirmation of the election Committee's decision.

ARTICLE VII, BALLOTS

S7-101: Candidate's Names

The name of any candidate for office shall be printed on the official ballot as set forth in the declaration of candidacy without any prefix, suffix, or title. A nickname may be included if properly requested. Position on ballot will be determined by order of filing for a particular office. As soon as the candidates filing period closes and period for

challenges expires without a timely challenge, the Election Committee will prepare a ballot. If a candidacy challenge is filed, the ballot will be prepared as soon as the challenge is resolved.

S7-102: Unopposed Candidates

Any candidate who is unopposed for an office shall:

- Appear on the ballot with the designation "unopposed" printed next to his name, and
- On election day be deemed elected to that office.

S7-103: Ballot Care

Specific instructions to the voter may be printed at the top of the ballot. Ballots shall not be numbered or show any other lettering or identifiable markings, unless such markings be on a perforated "tear-off" slip to be removed prior to placing the ballot in the ballot box.

- Only one ballot shall be cast by each eligible voter.
- A ballot shall be cast only after the voter has signed the poll register unless voting by absentee ballot.
- Election committee officials shall account for all "ballots."
- A ballot shall be issued to each eligible voter by mail or through distribution at the tribal offices by the Election Committee.

ARTICLE VIII, ABSENTEE VOTING

S8-101: Eligibility

Any voter can vote by absentee ballot.

S8-102: Application

Requests for absentee ballots must be in writing and include the correct mailing address and roll number of the person making the request.

S8-103: When to apply

Requests to vote an absentee ballot must be made not less than twenty (20) days prior to the election.

S8-104: Receiving Ballot and Absentee Voter List

Ballots will be mailed immediately after final certification of slate and upon receipt of an appropriate and timely request. The Election Committee shall maintain an accurate written record ("Absentee Ballot List") of all ballots so issued, including the name, address and roll number of the voter to whom the absentee ballot was issued, and the date of the issue immediately after final certification of the slate at a timely or appropriate request.

S8-105: Voting

Those voting by absentee ballot shall mark their ballots, seal them in an inner envelope, and see that the absentee ballot is timely delivered. Only the outer envelope shall have the voter's name, return address and roll number written upon it.

S8-106: Delivering Completed Ballot

Those wishing to vote by absentee ballot must see that their outer envelope with enclosed inner envelope and absentee ballot are delivered to the designated post office box not later than 10:00 a.m. of the last Saturday in June.

S8-107: Handling

All absentee ballots received by the Election Committee shall remain in a locked post office box provided for that purpose in Tecumseh, Oklahoma Post Office until 10:00 a.m. on election day, at which time the Election Committee Chairman, or an election official designated by the Chairman, and at least one other election official shall:

- Receive the ballots from the post office,
- Personally transport them to the polling place,
- Deliver them immediately, still sealed, to the remaining members of the Election Committee.
- Deposit them unopened in a special locked ballot box, and
- Tabulate them when the polls close as hereinafter provided.

S8-108: Procedure Mandatory

No absentee ballot will be received at any time or by other means than provided for herein.

ARTICLE IX, CONDUCT OF ELECTIONS

Chapter One - Voting

S9-101: Voting Period

The polls shall be opened at each polling place from 7:00 a.m. until 2:00 p.m. Saturday the day of General Council meeting. Any voter in line at the polling place at 2:00 p.m. but unable to cast a ballot before

2:00 p.m. shall be allowed to cast a vote.

S9-102: Voting

All voting is by secret ballot. Upon being identified as being on the official voters' list and not having previously received a ballot, each prospective voter shall:

- Be handed an unused ballot by an election official,
- Sign his name on a voter register, kept for that purpose, to acknowledge receipt of the ballot,
- Vote in privacy, in a voting booth, by marking the box opposite the name of the candidate supported by the voter,
- Fold the ballot so the choice cannot be seen by others, and
- Personally deposit the ballot in the ballot box.

S9-103: Voter Assistance

The election officials may allow a voter to obtain the assistance of any person in casting a vote if the voter is physically unable to cast a ballot and assistance, without previous suggestion, is requested. The Election Committee shall decide whether assistance may be rendered which decision shall be final and unappealable.

S9-104: Marking the Ballot

A ballot shall show only the marking of the voter's choice and

shall not show more choices than the election calls for. A person may choose not to vote for any candidate for a particular office. However, if a voter marks a ballot so that the vote is apparently for more than one candidate for a single office or for a candidate not properly listed, or bearing any other such material errors, the ballot will not be counted, but will be marked by official, and retained as hereinafter provided.

S9-105: Mutilated Ballots

If a voter mutilates a ballot or renders the ballot unusable another may be obtained, and the mutilated ballot shall be folded and marked "mutilated" in ink. Each member of the Election Committee on duty at that polling place shall sign below this marking and the mutilated ballot shall be placed in a large envelope marked "mutilated ballots". The envelope containing all mutilated ballots shall be placed in the ballot box at the end of the voting.

S9-106: Unused Ballots

Ballots unused at the end of the voting shall be tied together, marked "unused" in ink, signed by at least two election officials, and placed in the ballot box at the end of the voting.

Chapter Two - Counting the Vote

S9-201: The Tally

At the end of the voting, the absentee ballots, voter registers, and ballot boxes shall be transported to the counting room in the tribal office. Thereafter, the Election Committee shall:

- Unlock the ballot box(s)
- Remove the regular ballots one by one, and
- As each is removed, the clerks shall read off the names of the candidates marked thereupon.

S9-202: Counting the Absentee Ballots

After the count of the regular ballots, the Election Committee shall

count the absentee ballots. Each outer envelope shall be opened, but the inner envelope shall remain unopened at that point. The Chairman shall then determine:

- Whether the person whose name is signed to the outer envelope and affidavit is a qualified voter,
- Whether the voter is on the absentee ballot list,
- Whether the voter has already signed the voter register to make sure the voter has not already voted either by another absentee ballot or in person.

S9-203: Counting and Rejecting Ballots

Any ballot not properly submitted in accordance with the instructions for absentee balloting or otherwise in violation of this ordinance will be rejected. Unless rejected, the sealed, inner envelope shall be dropped into the official absentee ballot box and remain there until the actual count of all absentee ballots is started. The absentee ballots shall then be counted in the same manner as regular ballots.

S9-204: Observing Tally

At least two election officials shall view each ballot, and each counter shall keep a separate tally of the votes cast. Each candidate may select a watcher, not a candidate, who shall not interfere with the tally process, but can observe and keep a separate record of the tally of the ballots.

S9-205: Rejection of Ballots

If, during the tallying of the votes, the members of the Election Committee are unable to determine from a ballot the choices of a voter, the ballot shall be rejected. A rejected ballot shall be marked "rejected" in ink. Each member of the Election Committee shall sign his name below this marking. Rejected ballots shall be kept together, and placed in the ballot box at the end of the tally.

S9-206: Certified Abstract

At the close of the tally, the Election Committee members shall:

- Open the ballot boxes and display the empty box to all persons present to insure that no ballots are contained therein,
- Determine the total vote cast including the absentee ballots for each candidate for each office,
- Write down these totals, together with the number of rejected ballots, spoiled ballots, unused ballots and total ballots printed,
- Sign the written totals as a certified abstract of the election results,
- Read the certified abstract aloud to the public,
- Deliver copies of the certified abstract to:

- The Business Committee
- The Tribal Court Clerk, and
- The Election Committee files in the tribal Secretary's Office.

S9-207: Recounts

If the votes cast for two or more candidates (with the highest vote) is tied, or if the highest vote is larger than the next highest vote by less than 10% of the total vote cast for that office, the Election Committee shall immediately open the ballot box and recount the vote for that office on all the unmutated unrejected ballots, rejecting any which it is unable to determine the choice of the voter. The recounts shall continue until two consecutive counts agree, and a new abstract shall then be prepared and read aloud to the public.

S9-208: Request for Recount

Since the Election Ordinance provides for automatic recount of ballots, any request for recount of ballots must list the reasons therefore in writing and be submitted to the Election Committee Chairman, or his designated representative within two (2) working days after the election.

S9-209: Runoff Elections

A candidate for membership on the Business Committee must receive the highest number of votes in order to be elected. If the abstract shows that the highest number of votes cast for two or more candidates for an office is tied, a runoff election shall be held within sixty (60) days after the general election. The Election Committee shall supervise the runoff election following the same rules and procedures followed in the general election. Subsequent runoff elections may be held in the same manner if necessary. As soon as some candidate has received a higher vote than any other candidate, no further runoff elections will be had.

S9-210: Retention of Ballots

Upon completion of the election and announcement of the certified abstract, the Election Committee shall lock all ballots and records in the ballot box and deposit the ballot box in the vault of the designated bank, post office, or other secure area as approved by the Election Committee, to be held for safekeeping until final certification of the election results and installation of all officers. Only the Chairman and Secretary of the Election Committee shall have access to these records. After installation of all officers, the Election Committee shall return all ballots and election records to the Tribal Secretary to be placed in permanent tribal records for a period of five (5) years. From and after the date of final installation of all elected officials and after the five-year period is completed, the tribal Secretary may remove the election ballots and records, except the final certification of successful candidates, and destroy them. The final certification of election results entered by the Election Committee shall not be removed but shall be retained as a permanent public record.

S9-211: Election Certification

The Election Committee shall certify the election results for all uncontested offices immediately after the two (2) working day period for filing an election contest expires. If an election office is timely contested, then no certificate of election for contested office shall be issued until, if appropriate, after the election contest is finally decided.

S9-212: Finality

The Election Committee's certification of uncontested election results or the Election Committee's certification of the election results following an election contest provided for herein shall be final and unappealable.

ARTICLE X, INSTALLMENT

S10-101: Installment

In order to provide for an orderly transition of power, all newly-elected officers shown on the certificate of election shall be installed immediately following the election.

S10-102: Effect of Installment

Once an officer is installed removal is only by impeachment, recall or some other procedure authorized by the tribal constitution or recount certification.

S10-103: Incumbents

Consistent with Article 12, Section 1 of the Tribal Constitution, the term of an incumbent office holder shall not expire until installation of his successor.

ARTICLE XI, ELECTION CONTESTS

Chapter One - Election Committee Review

S11-101: Who Can Contest

Only a candidate for the disputed office may contest the election results for that office.

S11-102: Grounds

Only two (2) grounds may be asserted for contesting an election. The grounds are that the Election Committee erroneously counted or failed to count ballots, which failures were of such a magnitude that:

- Either the contestant is entitled to be elected to the office, or
- It is impossible to determine with mathematical certainty which candidate is entitled to be elected to the office.

S11-103: When to Contest

Any candidate desiring to contest a tribal election for an office must do so within two (2) business days after announcement of the certified abstract of election results.

S11-104: How to Contest

A contest can only be initiated by:

- Timely filing with the Election Committee a verified statement setting forth the particular grounds for the contest, and
- Depositing \$250 in cash with the Election Committee to cover costs of the hearing (if the contest is successful, the cash deposit shall be refunded).

S11-105: Election Committee Hearing

The Election Committee shall set a hearing of the contest no later than five (5) days after the contest is filed. Written notice of such hearing shall be mailed or delivered to each candidate for the office contested. Any party to the election protest and the Election Committee shall have the right to view the election ballots and records in the presence of the Election Committee Chairman in the tribal offices. Any party to the protest or a tribal member shall be entitled to copies of the ballots from the Court Clerk upon payment to said clerk of normal and customary charges. Said certified copies shall be received as evidence by the Election Committee in like manner as an original. Al-

Election Ordinance (continued)

ternatively, the Election Committee, upon request of a party or on its own motion, may convene a hearing for any protested election at the Tribal Courthouse, Shawnee Indian Agency, for the purpose of reviewing the election materials. After hearing the proofs and allegations of the contestants, the Election Committee shall make factual findings and one of the following conclusions:

- a. That the contested election should be confirmed, or
- b. The contestant should be declared the winner of the election, or
- c. The contested election should be set aside and a new election held.

CHAPTER TWO - Appeal

S11-201: Appeal

Any proper party to an election contest aggrieved by the findings and decisions of the Election Committee may appeal to the Tribal Court.

S11-202: Time

An appeal must be filed within five (5) days of receipt of notification of the decision of the Election Committee.

S11-203: Parties

The Election Committee and the person whose election is challenged are indispensable parties to the appeal. Any other candidate for that office may intervene. The individual Election Committee members are not necessary or proper parties to such action. The tribal attorney shall represent the Election Committee.

S11-204: Relief

The Tribal Court whose decision is final may only:

- a. Confirm with Election Committee decision,
- b. Order a new election for the contested office, or
- c. Reverse the Election Committee and order the Election Committee to certify the election of the contestant to the office.

S11-205: Standard

Neither the Election Committee nor the Tribal Court shall invalidate any certified abstract of election results and order a new election for an office unless clear and convincing evidence shows that the person receiving the most votes for the contested office as shown on the certified abstract cannot be mathematically determined to be the clear winner.

ARTICLE XII, REFERENDUM

S12-101: General Council Resolutions

Because they relate to claims or rights growing out of treaties only, all General Council Resolutions shall be voted on in a referendum vote.

S12-102: Absentee Votes

All absentee votes shall be handled by the Committee in the same manner as that prescribed for casting tribal election ballots. All absentee ballots must be distributed at least 20 days prior to any General Council Meeting and received by the Election Committee by 10:00 a.m. on the day of any General Council Meeting. These ballots will be received for counting and counted on the day of the General Council Meeting and the results certified to the Business Committee. The issues to be voted on must receive a majority vote for adoption. Results of the vote will be published in the tribal newspaper.

S12-103: Resolution Preparation

Preparation of Resolutions for referendum vote shall be by the Business Committee or by provisions provided for under Article X of the Tribal Constitution.

ARTICLE XIII, SPECIAL ELECTIONS

S13-101: Election Board

When a special election is properly called, the Business Committee by resolution shall establish an independent election board to conduct the special election.

S13-102: Composition

The independent election board shall have the same composition as that of the Election Committee provided for herein.

S13-103: Powers of the Election Board

The independent election board shall have the same powers and duties as set forth herein for the Election Committee and shall have such further powers as are necessary to carry out the duties imposed by the Tribal Constitution and By-Laws. Further, the independent election board will have the power to establish different time periods for filing, challenges, contests and appeals, but shall not have power to change the other substantive and procedural rules provided for herein including, by way of example only, the eligibility to vote and the eligibility and qualifications of a candidate.

ARTICLE XIV, VIOLATIONS

S14-101: Misdemeanor

In addition to any other penalties (civil or criminal) provided by law, any person willfully violating the duties and obligations imposed by this ordinance is guilty of a misdemeanor and, upon conviction, may be punished up to the maximum allowed for misdemeanors.

S14-102: Venue and Jurisdiction

The venue and jurisdiction for all violations is exclusively in the Tribal courts.

ARTICLE XV, QUO WARRANTO

S15-101: What is Quo Warranto

Quo Warranto is the name of the writ by which title to an office is resolved. It is not a substitute for or an alternate to the election challenges or appeals provided herein before.

S15-102: Who May Seek

Only a person claiming a better right to the office may bring a quo warranto action.

S15-103: Who is the Proper Party Defendant

The only proper party defendant is the person who holds title to the office.

Winter prints donated to Tippecanoe museum

Editor's Note: The following article is reprinted from the Lafayette, Indiana Journal and Courier. Mrs. Ball has been working closely with Dr. David Edmunds planning an exhibition of the Winter paintings at the Amon Carter Museum in Fort Worth, Texas. Watch the HowNiKan for further details.

The Tippecanoe County Historical Association has unwrapped its Christmas gift - and it is quite a gift.

Art works, manuscripts and letters by George Winter represent the largest and most significant donation to the association in its 62-year history. Evelyn Ball, wife of the painter's great-grandson, donated the collection.

"Historically speaking, it's an invaluable collection," association director John Harris said. "I have trouble putting it into words. There is nothing else to compare to it in Indiana."

Winter is not only Lafayette's preeminent painter but one of the Midwest's more important pioneer painters. His paintings and sketches are considered to be the best visual documentation of the Miami and Potawatomi

Indians in Indiana in the early 1800's, Harris said.

The Ball gift includes 39 oil paintings, 105 watercolor paintings, 554 sketches, nine ledgers, 558 letters, 239 manuscripts and other miscellaneous memorabilia. Appraisers still are calculating the value of the gift, which is expected to be more than \$100,000.

For a museum the size of Lafayette's to own such a

collection is rare.

"It's a real coup for the historical association," Harris said.

Cable Ball, Winter's great-grandson, several times expressed his wish that the Winter collection remain in Lafayette, where the painter lived and worked many years. But after Ball's death, the collection was sought by several regional and national museums, including the Smithsonian.

With that in mind, it's somewhat ironic that Winter once tried to sell his Indian paintings to the government but was turned down, Harris said.

If you have
not received
a notice from the BIA
on the current referendum,
CONTACT:

Ed Herndon
BIA
Rt. 5, Box 148
Shawnee, Oklahoma 74801

POTT SHOTS

HELP WANTED

Director of Finance: The Citizen Band Potawatomi Tribe is currently accepting applications for the position of Director of Finance. Qualified applicants will have either four years coursework above the high school level in accounting procedures or four years of progressively responsible experience in the accounting field or a combination of the two. Ability to be bonded and knowledge of government contracts, internal audits, accountability of federal contracts and general accounting principals necessary. Duties to be performed include examining, analyzing and interpreting accounting records for the preparation of statements; directing and coordinating employees in the finance department; auditing contracts, orders and vouchers; preparation of balance sheets for all federal grants and contracts and tribal enterprises and preparation of individual department consolidated balance sheets to reflect tribal assets, liabilities and capital.

For further information or to apply, contact Dr. Francis Levier, Tribal Administrator, Citizen Band Potawatomi Tribe, Route 5 Box 151, Shawnee, Oklahoma 74801 or call (405) 275-3121.

★

Program Assistant: Indian Tribes Community Development Association (ITCDA) is currently accepting applications for the position of Program Assistant. Qualified applicants will possess a Bachelor's degree and a minimum of two years administrative experience with an Indian-oriented organization. Duties include preparation of written texts, review of operational procedures, data collection, workshop organizing and other administrative functions.

For further information contact ITCDA, P.O. Box 1182, Oklahoma City, Oklahoma 73101-1182 or call (405) 247-7220.

★

Executive Director: Indian Tribes Community Development Association (ITCDA) is currently accepting applications for Executive Director. Applicants must possess a Bachelor's degree and four years supervisory experience with an Indian-

oriented organization, as well as demonstrate writing and consulting skills and ability to operate a computer. Director plans, develops and administers the technical assistance program consisting of large scale workshop projects and individualized assistance to tribes.

For further information contact ITCDA at P.O. Box 1182, Oklahoma City, Oklahoma 73101-1182 or call (405) 247-7220.

FAMILY NETWORK

Joseph Bertrand Descendants: There are still a few copies left of Gladys Moeller's book covering ten generations of Bertrands! The book, tracing the Bertrands and some of the Higbees, Maines, LaReaus and Louraines, takes the Joseph Bertrand family from France until present day. To receive your 200 page, fully indexed copy, send \$31.50 (includes postage and handling) to Gladys Moeller, 816 Cherokee, Oskaloosa, Kansas 66066.

★

All descendants of John and Elizabeth (Hardin) Anderson, Antoine and Mary (Anderson) Bourbonais and Pete and Julia (Hardin) Anderson are invited to attend the largest ever family reunion and get-together picnic, to be held in conjunction with the annual tribal General Council and pow wow.

The family will gather at the picnic pavillion behind the tribal complex in Shawnee, Oklahoma on June 27, from one till five p.m. All relatives are invited to bring a picnic lunch, see family and friends, share stories, pictures, food and fun. There will be trophies awarded for the oldest and youngest descendant, most and least miles travelled to attend, horse shoes, dominoes, etc.

For further information contact Dorothy (Anderson) Singleton, 212 Brunswick Lane, Mesquite, Texas 75149 or call (214) 288-8724.

INFO WANTED

Author Vic Johnson is seeking information on the Bourbonnais family in Illinois during the 1800's. In particular, information is solicited from tribal members who have information on Minemaung, Catfish Bourbonnais, Watch-e-kee, Shawawnassee and Mesheketeno.

Write to Mr. Johnson at P.O. Box 13, Bradley, Illinois 60915.

★

Pat Sulcer is seeking copies of journals, diaries or notebooks of Citizen Band Potawatomi tribal members kept between 1860 and 1980 for research purposes. Copies of all information recieved may be donated to the Tribal Archives as well as used in historical documentation of the Indian Territory period. Send information to Pat Sulcer, Route 5 Box 151, Shawnee, Oklahoma 74801.

POTT SHOTS

*Is For
Your
Information,
Your
Convenience
And
Your
Use!*

Send Your
Contributions To:

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Rt. 5, Box 151
Shawnee, OK 74801

Address Change Form

To: Citizen Band Potawatomi Roll Number _____
Indians of Oklahoma
Rt. 5, Box 151
Shawnee, Ok 74801

**The following is my current mailing address.
Please mail checks and other correspondence to
same until further notice is given**

Name: _____
(Include Maiden) (Please Print)

Box, Route
Or St. No: _____

Town or City: _____

State: _____ Zip Code _____

Birthdate: _____

Winter prints available now!

Through the generosity of Mrs. Cable Ball, the Tribal Trading Post now has available for sale eight different prints from the George Winter Collection. Winter, a young English artist residing in Logansport, Indiana at the time of the 1837 removals, is the only known artist to have sketched individuals of the Potawatomi Nation. The pen and pencil museum reproductions are printed on heavy stock measuring 8½ x 10½, suitable for framing. Order prints by number for \$10 apiece, or order the set of eight for \$75.

- No. 1 - Mas-saw's Card Party: illustrating a common occurrence at Kee-Waw-Nay Village in 1837 - card games at Mas-saw's two-story home.
- No. 2 - Yuh-Youh-Tche-Chick: a projectile game played with rocks.
- No. 3 - Potawatomi playing moccasin: a version of the shell game, frequently gambled on.
- No. 4 - Game of Wink: Potawatomi stare-down, also frequently gambled on.
- No. 5 - Cards at Kee-Waw-Nay: poker and euchre were favorites played with leather cards.
- No. 6 - Kee-Waw-Nay Village: illustrates the white influence through juxtaposing wigwam and log cabin.
- No. 7 - Indian Group: illustrating the Native attire of the time.
- No. 8 - Indian Encampment: includes traditional spangling of horses.



No. 2



No. 3



No. 5

Quantity	Number	Price	Set	Total
		\$10 apiece	\$75	

Mail orders to Potawatomi Museum, Rt. 5 Box 151, Shawnee, OK 74801



No. 7

A Defense of the Rights of Aborigines

The following speech was delivered by Pope John Paul II in November of last year at Alice Springs, Australia: We thought you might find it interesting.

Dear Brothers and Sisters,

It is a great joy for me to be here today in Alice Springs and to meet so many of you, the aborigines and Torres Strait islanders of Australia. I want to tell you right away how much the church esteems and loves you, and how much she wishes to assist you in your spiritual and material needs.

1. At the beginning of time, as God's spirit moved over the waters, he began to communicate something of his goodness and beauty to all creation. When God then created man and woman, he gave them the good things of the earth for their use and benefit; and he put into their hearts abilities and powers, which were his gifts. And to all human beings throughout the ages God has given a desire for himself, a desire which different cultures have tried to express in their own ways.

2. As the human family spread over the face of the earth, your people settled and lived in this big country that stood apart from all the others. Other people did not even know this land was here; they only knew that somewhere in the southern oceans of the world there was "the Great South Land of the Holy Spirit".

But for thousands of years you have lived in this land and fashioned a culture that endures to this day. And, during all this time, the spirit of God has been with you. Your "dreaming", which influences your lives so strongly that no matter what happens you remain forever people of your culture, is your own way of touching the mystery of God's spirit in you and in creation. You must keep your striving for God and hold onto it in your lives.

3. The rock paintings and the discovered evidence of your ancient tools and implements indicate the presence of your age-old culture and prove your ancient occupancy of this land.

Your culture, which shows the lasting genius and dignity of your race, must not be allowed to disappear. Do not think that your gifts are worth so little that you should no longer bother to maintain them. Share them with each other and teach them to your children. Your songs, your stories, your paintings, your dances, your languages, must never be lost. Do you perhaps remember those words that Paul VI spoke to the aboriginal people during his visit to them in 1970? On that occasion he said, "We know that you have a lifestyle proper to your own ethnic genius or culture - a culture which the church respects and which she does not in any way ask you to renounce....Society itself is enriched by the presence of different cultural and ethnic elements. For us, you and the values you represent are precious. We deeply respect your dignity and reiterate our deep affection for you". (Sydney, Dec. 2, 1970)

4. For thousands of years this culture of yours was free to grow without interference by people from other places. You lived your lives

in spiritual closeness to the land, with its animals, birds, fishes, waterholes, rivers, hills, and mountains. Through your closeness to the land you touched the sacredness of man's relationship with God, for the land was the proof of a power in life greater than yourselves. You did not spoil the land, use it up, exhaust it and then walk away from it. You realized that your land was related to the source of life.

The silence of the bush taught you a quietness of soul that put you in touch with another world, the world of God's spirit. Your careful attention to the details of kinship spoke of your reverence for birth, life and human generation. You knew that children need to be loved, to be full of joy. They need a time to grow in laughter and to play, secure in the knowledge that they belong to their people.

You had a great respect for the need which people have for law, as a guide to living fairly with each other. So you created a legal system - very strict it is true - but closely adapted to the country in which you lived your lives. It made you society orderly. It was one of the reasons why you survived in this land.

You marked the growth of your young men and women with ceremonies of discipline that taught them responsibility as they came to maturity.

These achievements are indications of human strivings. And in these strivings you showed a dignity open to the message of God's revealed wisdom to all men and women, which is the great truth of the Gospel of Jesus Christ.

5. Some of the stories from your dream-time legends speak powerfully of the great mysteries of human life, its frailty, its need for help, its closeness to spiritual powers and the value of the human person. They are not unlike some of the great inspired lessons from the people among whom Jesus himself was born. It is wonderful to see how people, as they accept the Gospel of Jesus, find points of agreement between their own traditions and those of Jesus and his people.

6. The culture which this long and careful growth produced was not prepared for the sudden meeting with another people, with different customs and traditions, who came to your country nearly 200 years ago. They were different from aboriginal people. Their traditions, the

organization of their lives and their attitudes to the land were quite strange to you. Their law too was quite different. These people had knowledge, money and power; and they brought with them some patterns of behavior from which the aboriginal people were unable to protect themselves.

7. The effects of some of those forces are still active among you today. Many of you have been dispossessed of your traditional lands and separated from your tribal ways, though some of you still have your traditional culture. Some of you are establishing aboriginal communities in the towns and cities. For others there is still no real place for campfires and kinship observances except on the fringes of country towns. There, work is hard to find, and education in a different cultural background is difficult. The discrimination caused by racism is a daily experience.

You have learned how to survive, whether on your own lands or scattered among the towns and cities. Though your difficulties are not yet over, you must learn to draw on the endurance which your ancient ceremonies have taught you. Endurance brings with it patience; patience helps you to find the way ahead and gives you courage for your journey.

8. Take heart from the fact that many of your languages are still spoken and that you still possess your ancient culture. You have kept your sense of brotherhood. If you stay closely united, you are like a tree standing in the middle of a brush fire sweeping through the timber. The leaves are scorched and the tough bark is scarred and burned; but inside the tree the sap is still flowing and under the ground the roots are still strong. Like that tree, you have endured the flames and you still have the power to be reborn. The time for this rebirth is now!

9. We know that during the last 200 years certain people tried to understand you, to learn about you, to respect your ways and to honor you as persons. These men and women, as you soon realized, were different from others of their race. They loved and cared for the indigenous people. They began to share with you their stories of God, helped you cope with sickness, tried to protect you from ill treatment. They were honest with you and showed you by their lives how they tried to avoid the bad things in their own culture. These people were not always successful, and there were times when they did not fully understand you. But they showed you good will and friendship. They came from many different walks of life. Some were teachers and doctors and other professional people; some were simple folk. History will remember the good example of their charity and fraternal solidarity.

Among those who have loved and cared for the indigenous people, we especially recall with profound gratitude all the missionaries of the Christian faith. With immense generosity they gave their lives in Christian faith. With immense generosity they gave their lives in service to you and to your forebears. They helped to educate the aboriginal people and offered health and social services. Whatever their human frailty, and whatever mistakes they may have made, nothing can ever minimize the depth of their charity. Nothing can ever cancel out their greatest contribution, which was to proclaim to you Jesus Christ and to establish his church in your midst.

10. From the earliest times men like Archbishop Polding of Sydney opposed the legal fiction adopted by European settlers that this land was terra nullius - nobody's country. He strongly pleaded for the rights of the aboriginal inhabitants to keep the traditional lands on which their whole society depended. The church still supports you today.

Let it not be said that the fair and equitable recognition of aboriginal rights to land is discrimination. To call for the acknowledgement of the land rights of people who have never surrendered those rights is not discrimination. Certainly, what has been done cannot be undone. But what can now be done to remedy the deeds of yesterday must not be put off till tomorrow.

Christian people of good will are saddened to realize - many of them only recently - for how long a time aboriginal people were transported from their homelands into small areas or reserves where families were broken up, tribes split apart, children orphaned and people forced to live like exiles in a foreign country.

The reserves still exist today and require a just and proper settlement that still lies unachieved. The urban problems resulting from the transportation and separation of people still have to be addressed so that these people may make a new start in life with each other once again.

11. The establishment of a new society for aboriginal people cannot go forward without just and mutually recognized agreements with regard to these human problems, even though their causes lie in the past. The greatest value to be achieved by such agreements, which must be implemented without causing new injustices, is respect for the dignity and growth of the human person. And you, the aboriginal people of this country and its cities, must show that you are actively working for your own dignity of life. On your part, you must show that you too can walk tall and command the respect which every human being expects to receive from the rest of the human family.

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Aboriginal rights (from page 11)

12. The Gospel of our Lord Jesus Christ speaks all languages. It esteems and embraces all cultures. It supports them in everything human and, when necessary, it purifies them. Always and everywhere the Gospel uplifts and enriches with the revealed message of a loving and merciful God.

That Gospel now invites you to become through and through, aboriginal Christians. It meets your deepest desires. You do not have to be people divided into two parts, as though an aboriginal had to borrow the faith and life of Christianity, like a hat or a pair of shoes, from someone else who owns them. Jesus calls you to accept his words and his values into your own culture. To develop in this way will make you more than ever truly aboriginal.

The old ways can draw new life and strength from the Gospel. The message of Jesus Christ can lift up your lives to new heights, reinforce all your positive values and add many others which only the Gospel in its originality proposes. Take this Gospel into your own language and way of speaking; let its spirit penetrate your communities and determine your behavior toward each other, let it bring new strength to your stories and your ceremonies. Let the Gospel come into your hearts and renew your personal lives. The church invites you to express the living word of Jesus in ways that speak to your aboriginal minds and hearts. All over the world people worship God and read his word in their own language, and color the great signs and symbols of religion with touches of their own traditions. Why should you be different from them in this regard, why should you not be allowed the happiness of being with God and each other in aboriginal fashion?

13. As you listen to the Gospel of our Lord Jesus Christ, seek out the best things of your traditional ways. If you do, you will come to realize more and more your great human and Christian dignity. Let

your minds and hearts be strengthened to begin a new life now. Past hurts cannot be healed by violence nor are present injustices removed by resentment. Your Christian faith calls you to become the

best kind of aboriginal people you can be. This is possible only if reconciliation and forgiveness are part of your lives. Only then will you find happiness. Only then will you make your best contribution to all your brothers and sisters in this great nation. You are part of Australia and Australia is part of you. And the church herself in Australia will not be fully the church that Jesus wants her to be until you have made your contribution to her life and until that contribution has been joyfully received by others.

In the new world that is emerging for you, you are being called to live fully human and Christian lives, not to die of shame and sorrow. But you know that to fulfill your role you need a new heart. You will already feel courage rise up inside you when you listen to God speaking to you in these words of the prophets:

"Do not be afraid for I have redeemed you; I have called you by your name, you are mine. Do not be afraid, for I am with you" (Is 43:1,5)

And again:

"I am going to... gather you together...and bring you home to your own land...I shall give you a new heart and put a new spirit in you...You shall be my people and I will be your God" (Ex 36:24, 26, 28)

14. With you I rejoice in the hope of God's gift of salvation, which has its beginnings here and now, and which also depends on how we behave toward each other, on what we put up with, on what we do, on how we honor God and love all people.

Dear aboriginal people: The hour has come for you to take on new courage and new hope. You are called to remember the past, to be faithful to your worthy traditions and to adapt your living culture whenever this is required by your own needs and those of your fellow man. Above all you are called to open your hearts ever more to the consoling, purifying and uplifting message of Jesus Christ, the Son of God, who died so that we might all have life, and have it to the full. (cf Jn 10:10)

Commodity food program expanded

The Citizen Band Potawatomi Food Distribution Program will begin taking applications and distributing commodities at the Les Chandler Social Services Building located at 131 S. Main St. in Lexington, Oklahoma.

The food program will take applications and distribute commodities on the last two Fridays of every month. Distribution will begin on Friday, March 27 between the hours of 10 a.m. and 2 p.m.

To be eligible you must:

(1) Live in the service area for the program which includes the following counties: Southern

one-half of Cleveland County, Logan County (part), Lincoln County (part), Oklahoma County (part), Payne County (part) and Pottawatomie County (part).

(2) Have at least one adult Indian member in the household and be able to prove your degree of blood.

(3) Meet income guidelines established by the United States Department of Agriculture.

(4) Do not receive commodities and food stamps in the same month.

For more information contact (405) 275-3121, ext. 248 or 249.

Economic development department introduced

The HowNiKan welcomes Dr. Robert Shapiro as consultant to the Citizen Band Potawatomi Tribe.

Dr. Shapiro holds a Ph.D. in industrial engineering with areas of emphasis in finance, operations research, economics and computer science. His previous experience includes employment as Vice President for Administration and Finance at the University of Oklahoma where he supervised 1,300 employees and a \$54,000,000 budget annually. He is also a former assistant to the University

of Oklahoma president, former university professor and former vice president of operations.

Dr. Shapiro will be working on economic development for the tribe along with Ed Wilson. Mr. Wilson is a former Cheyenne-Arapaho tribal chairman. He has worked as tribal administrator for the Sac and Fox of Missouri, attended Northern Oklahoma and Oklahoma State universities and is certified in the development, formulation and administration of economic projects by the American Institute of Industrial Engineers.